




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *American Public Communications Council, Inc. v. FCC & USA*, No. 05-1080.
Filing of a Petition for Review in the United States Court of Appeals for the
District of Columbia Circuit.

DATE: March 16, 2005

This is to advise you that, on March 7, 2005, the American Public Communications Council, Inc. filed a Petition for Review, pursuant to 47 U.S.C. § 402(a) of following orders: (1) *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Report and Order, 18 FCC Rcd 19975 (2003); and (2) *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Order on Reconsideration, 19 FCC Rcd 21457 (2004).

The Communications Act requires that payphone service providers be compensated for each and every call made from a payphone. But the Act does not specify who should pay the money. In the case of dial-around calls, such as to 800 numbers, the Commission's rules implementing the statutory requirement were ambiguous in some circumstances where calls were routed to switch-based resellers (SBR). The orders on review resolve the ambiguity, place the compensation responsibility on the SBR, and require SBRs to implement a tracking system to determine which calls must be compensated.

The Court has docketed this case as No. 05-1080. The attorney assigned to handle the litigation of this case is Joel Marcus.